

Order

Michigan Supreme Court
Lansing, Michigan

October 17, 2019

Bridget M. McCormack,
Chief Justice

158849

David F. Viviano,
Chief Justice Pro Tem

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

Stephen J. Markman
Brian K. Zahra
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh,
Justices

v

SC: 158849
COA: 345616
Oakland CC: 2018-266486-FH

PAMELA KAY BLODGETT,
Defendant-Appellant.

By order of April 30, 2019, the prosecuting attorney was directed to answer the application for leave to appeal the October 30, 2018 order of the Court of Appeals. On order of the Court, the answer having been received, the application for leave to appeal is again considered. Pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we REMAND this case to the Oakland Circuit Court for reconsideration of the scoring of Offense Variable (OV) 10. The trial court shall determine if OV 10 was properly assigned at 15 points. If not, given the prosecution's concession that OV 13 was incorrectly scored, any reduction in the score of OV 10 would entitle the defendant to resentencing. *People v Francisco*, 474 Mich 82, 88-89 (2006). If the trial court determines OV 10 is correctly scored, the trial court shall articulate on the record the factual findings supporting its legal conclusions to facilitate appellate review. In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining questions presented should be reviewed by this Court.

We do not retain jurisdiction.



b1010

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 17, 2019

Clerk